



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

18 MAR 2009

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No. 7001 0320 0004 7721 1328

Mr. John E. Carter, Manager
Mining Properties Maintenance
and Restoration
Mining and Milling Division
The Doe Run Company
2320 Creve Coeur Mill Rd.
Viburnum, Missouri 65566

Re: CERCLA Off-Site Rule: Affirmative Determination of Acceptability for
Leadwood Mine Tailing Site, Leadwood, Missouri

Dear Mr. Carter:

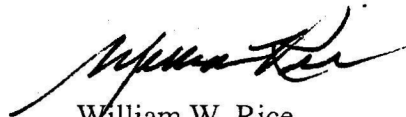
This letter serves to inform you that the U.S. Environmental Protection Agency (EPA) has made an affirmative determination of acceptability for the receipt of off-site contaminated soils from the Southwest Jefferson County Lead Site, Jefferson County, Missouri, at the Soil Placement Area which is located within the foot print of the Leadwood Mine Tailings Site (Leadwood), Leadwood, Missouri. The Soil Placement Area is an approximate 53-acre area that lies within the 500-plus-acre footprint of the Leadwood Mine Tailings Site. Pursuant to Title 40 Code of Federal Regulations (40 CFR) Section 300.440(a)(4), EPA has completed an initial assessment of Leadwood, and finds the Soil Placement Area, within the dimensions of N ½, NW ¼, Sec. 9, T. 36 N, R. 4 E are acceptable for the receipt of off-site contaminated soils. Such off-site contaminated soils are defined as wastes generated as a result of activities authorized or funded by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

On September 22, 1993, EPA amended the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), 40 CFR Part 300, by adding Section 300.440, now known as the Off-Site Rule. The rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates many provisions of the November 13, 1987, OSWER Directive (No. 9834.11), known as the Off-Site Policy. The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. The Off-Site Rule requires that prior to a facility's initial receipt of CERCLA waste, EPA shall determine if there are relevant releases or relevant violations at the facility.

On September 29, 2006, the EPA issued a Unilateral Administrative Order (UAO), CERCLA-07-2006-0272, to the Doe Run Resources Corporation (Doe Run). This UAO required Doe Run to perform a non-time-critical removal action to stabilize erosion and reduce the potential for exposure to hazardous substances present at the Leadwood Mine Tailings Site. Additionally, EPA and the Doe Run Company will negotiate an Administrative Order on Consent that will oversee the management of the contaminated soils received at the Leadwood Soil Placement Area from the Southwest Jefferson County Lead Site. Therefore, effective upon receipt of this letter, Leadwood is acceptable to receive CERCLA off-site waste within the area designated above from the Southwest Jefferson County Lead Site, Jefferson County, Missouri. Should any new information affecting this determination develop, EPA reserves the right to revisit this decision. By issuing this notice, EPA is in no way authorizing Leadwood to undertake any waste management practice at this facility for which Leadwood has not been previously authorized by Missouri Department of Natural Resources or EPA.

If you have any questions concerning this matter, please contact Deborah Finger, Regional Off-Site Contact, Region 7, at (913) 551-7164.

Sincerely,



William W. Rice
Acting Regional Administrator

cc: Ms. Cecilia Campbell, MDNR
Mr. Dennis Hansen, MDNR